

STATEMENT OF THE FREEDOM OF INFORMATION COMMISSION ON HOUSE BILL 6353, AN ACT CONCERNING STATE BUDGET REFORM

March 22, 2013

The Freedom of Information Commission ("FOIC" or "FOI Commission") appreciates the opportunity to comment on House Bill 6353, An Act Concerning State Budget Reform. The Commission strongly opposes the bill.

Section 3(d) and Section 5 of the bill contain proposals which will eliminate the FOI Commission's critical budgetary independence set forth in Conn. Gen. Stat. 1-205a of the FOI Act, which pertains to the FOIC's budget. Similar provisions in the bill strip the State Elections Enforcement Commission and the Office of State Ethics of their budgetary autonomy as well.

Currently, Section 1-205a prohibits the Governor from reducing the FOIC's budget requests and requires the submission of the FOIC's budget directly to the legislature. There is important history behind the passage of Section 1-205a. In 2003, the then sitting governor proposed a consolidation of the FOIC, SEEC and the then State Ethics Commission, with a significantly reduced budget and staffing. Many believed that the consolidation and reduction were retribution for adverse rulings from the agencies, which are citizen boards having oversight over the governor.

Despite the fiscal crisis of that time, the legislature felt it was more important to protect the independence of the three agencies and to insulate them from similar attempts to emasculate them in the future. The legislature passed Public Act 04-204, enacting Section 1-205a, with near unanimous bipartisan support. At that time, both sides of the aisle acted to ensure that any future governor would be prevented from weakening the citizen boards which ensure accountability of government.

Since that time, Section 1-205a has worked well. Governor Rell submitted several budgets in accordance with its provisions. Frankly, the current administration, as well as future administrations, should be able to do the same. The FOI Commission is a very small agency with a very limited budget. Like all other agencies, the FOIC need be mindful of the state's current fiscal condition at the time of its budget submission and must submit a budget that is reflective of such conditions. It has always done this and will continue to do so.

Moreover, Sec. 1-205a does not provide unfettered independence to the FOIC. The legislature has appropriate oversight and control over the agency's budget, and has adjusted the agency's budget requests when it felt it was appropriate to do so. Likewise, the FOIC must follow all rules and procedures with respect to hiring staff, approval of positions, submission of affirmative action plans, and all other requirements of state agencies. In addition, the Commission recognizes that these are hard economic times, and has affirmatively answered every call from the administration for concessions. Thus, the Commission is not an agency which is unchecked, nor is it an agency which has run amok with its budget.

The FOIC urges you to vote against House Bill 6353. Its passage would be taking an unnecessary step back from the noble position taken by the legislature, nearly unanimously, when it enacted Section 1-205a in 2004. Thank you.

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